

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE

AT KNOXVILLE

FEBRUARY 1994 SESSION

FILED

January 26, 1996

Cecil Crowson, Jr.
Appellate Court Clerk

STATE OF TENNESSEE,

Appellee,

VS.

CARY CAUGHRON,

Appellant.

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C.C.A. NO. ~~03C01-9310-CR-00181~~

COCKE COUNTY

HON. REX HENRY OGLE,
JUDGE

(On Remand)

FOR THE APPELLANT:

FOR THE APPELLEE:

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OPINION FILED: _____

REMANDED ON SENTENCING ISSUE

JOHN H. PEAY,
Judge

OPINION

By opinion filed on September 20, 1994, this Court affirmed the defendant's four convictions for first-degree murder, attempted first-degree murder and aggravated arson. In finding that the trial judge had failed to make necessary findings to support consecutive sentences as set out in State v. Woods, 814 S.W.2d 378 (Tenn. Crim. App. 1991), the trial court's order of consecutive sentences was reversed and concurrent sentences were ordered.

After granting permission to appeal, our Supreme Court remanded this matter to our Court for reconsideration of the issue dealing with consecutive sentences in light of its recent opinion in State v. Wilkerson, ___ S.W.2d ___ (Tenn. 1995). In Wilkerson, the Court held that where a defendant is given consecutive sentences without proper consideration of the applicable sentencing principles, "remand for resentencing is the appropriate relief." Id. at ___. As noted in our original opinion, the trial court failed to make the necessary findings on the record to support its order of consecutive sentences.

Because of the lack of necessary findings in the record and the recent holding of our Supreme Court in Wilkerson, we now remand this matter for resentencing by the trial court solely on the issue of concurrent versus consecutive sentences. The determination of concurrent or consecutive sentences shall be made by the trial court in conformity with the principles and guidelines set forth in Wilkerson. From this determination by the trial court, each party may appeal as of right from that decision of the trial court.

JOHN H. PEAY, Judge

CONCUR:

DAVID H. WELLES, Judge

JOHN P. COLTON, JR., Special Judge